

ORIGINAL

PUBLIC RECORDS

GENERAL TRADE COMMISSION

- B. Declaration of Steven Wyant, paragraphs 12 and 14-17; the sales revenue amount in paragraph 1, line 2, and the marketing budget amount in paragraph 1, line 3; the last 2 sentences in paragraph 2; the two stores names in paragraph 10, line 2; and the percentage in paragraph 11, line 5; the product name in paragraph 13, line 1.
- C. Email from Ken Varble to Steven Wyant, dated Jan. 14, 2013 (SAZ-00000196 - SAZ-00000197).
- D. Email from Steven Wyant to Jim DeWitt, dated Mar. 12, 2013 (SAZ-00000198 - SAZ-

- E. Email from Guy May to Steven Wyant, dated Dec. 9, 2011 (SAZ-00003361 - SAZ-00003362).

Designated by Respondent

- F. Email from Philin Cissell to Mike Engelhard and Ken Varble, dated Dec. 6, 2012 (SAZ-

product and strategy innovation and leadership in cost structure management. Sazerac is a customer of both Respondent and Saint-Gobain Containers, Inc. in the purchase of glass bottles for bottling liquor products.

The information contained in the above-listed documents and testimony is competitively sensitive and is held in strict confidence by Sazerac. Public disclosure of that information is likely to cause direct and serious irreparable harm to Sazerac's competitive position in the adult beverage market in the United States. Therefore, pursuant to 16 C.F.R. § 3.45(b), Sazerac respectfully moves for *in camera* treatment of the Confidential Information. The declaration of Sazerac's Chief Financial Officer, Paul Pape, in support of this motion is attached hereto as Exhibit L ("Pape Decl.").

**SAZERAC'S CONFIDENTIAL
INFORMATION DESERVES *IN CAMERA* TREATMENT UNDER
THE FTC'S RULES OF PRACTICE**

The Confidential Information described in this motion should receive *in camera* treatment as provided by 16 C.F.R. § 3.45(b). Requests for *in camera* treatment must show that public disclosure of the material at issue will result in "clearly defined serious injury to the

specific documents and passages of the depositions and the declarations that require *in camera* treatment should weigh in favor of granting this motion. See *In re Union Oil Co. of Calif*, 2005 FTC LEXIS 9, at * 1 (Jan. 19, 2005). Here, applying those standards, *in camera* treatment is warranted.

**SAZERAC HAS PRESERVED THE
CONFIDENTIALITY OF THE CONFIDENTIAL INFORMATION**

Sazerac has taken significant steps to protect the confidential nature of the Confidential

**DISCLOSURE OF THE CONFIDENTIAL INFORMATION WOULD
RESULT IN SERIOUS COMPETITIVE INJURY TO SAZERAC**

The following discusses the specific reasons supporting Sazerac's motion and constituting the requisite showing under 16 C.F.R. § 3.45(b).

Exhibit A is an unredacted copy of the Declaration of Phillip C. H. [redacted]

paragraphs 3-4, 6, 7, 9-10, 12, 14, 15, 17 and 18; the total annual spend in paragraph 1, line 4;

and the last sentence in paragraph 18. [redacted]

and marketing strategies, giving Sazerac's competitors an unfair competitive advantage over

Sazerac, resulting in serious competitive injury. Pape Decl. ¶ 6.

Exhibit C (is an email from Van Vleet to Sazerac dated 11/14/2012 (SAZ-00000196 - SAZ-00000197).

00000196 - SAZ-00000197). The email exchange discusses Sazerac's considerations regarding using plastic versus glass bottles. Public disclosure of this information could be used by Sazerac's glass and plastic suppliers to analyze Sazerac's interest in using glass or plastic bottles

Exhibit F is an email from Philip Cissell to Mike Engelhard and Ken Varble, dated Dec.

1. 2012-09-17 09:00:00 AM [REDACTED]

bids received reveals commercially sensitive information regarding the identity of Sazerac's

potential suppliers and their relationship with Sazerac. Sazerac's current and potential specialty glass suppliers could be expected to use this information in future bids with Sazerac. Public disclosure of this information would result in serious competitive injury in negotiating prices

Exhibit K contains the following excerpts from Steven Wyant's deposition: lines 26:4-7,

26:12-16 26:18 27:24 112:2 112:16 112:25 114:14 114:18 115:1 115:10 100 6 105 1

[REDACTED]

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IN CAMERA PROTECTION SHOULD EXTEND FOR FIVE YEARS

lasting protection is appropriate in order to ensure avoidance of the competitive injuries to

Sezanne's business outlined above. The Confidential Information once disclosed will be

EXHIBIT A

**(Redacted From
Public Filing)**

EXHIBIT B

(Dedicated From



Public Filing)

EXHIBIT C

**(Redacted From
Public Filing)**

EXHIBIT E

**(Redacted From
Public Filing)**

EXHIBIT F

**(Redacted From
Public Filing)**

EXHIBIT G

**(Redacted From
Public Filing)**

**(Redacted From
Public Filing)**

EXHIBIT J

**(Redacted From
Public Filing)**

EXHIBIT K

**(Redacted From
Public Filing)**

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of)
)
Ardagh Group S.A.,)
a public limited liability company, and) DOCKET NO. 9356
)
Saint-Gobain Containers, Inc.,)
a corporation, and)
)
Compagnie de Saint-Gobain,)
a corporation,)
Respondents.)
_____)

DECLARATION OF PAUL PAPE IN SUPPORT OF NON
PARTY SAZERAC COMPANY'S UNOPPOSED MOTION
~~FOR THE GRANT OF A PERMANENT INJUNCTION~~

I, Paul Pape, declare as follows:

1. I am currently the Chief Financial Officer of Sazerac Company ("Sazerac"), and have

~~held that position since July 2007. In my position, I am responsible for overseeing~~

Confidential Information to the public and to Sazerac's competitors would cause serious
and irreparable competitive injury to Sazerac

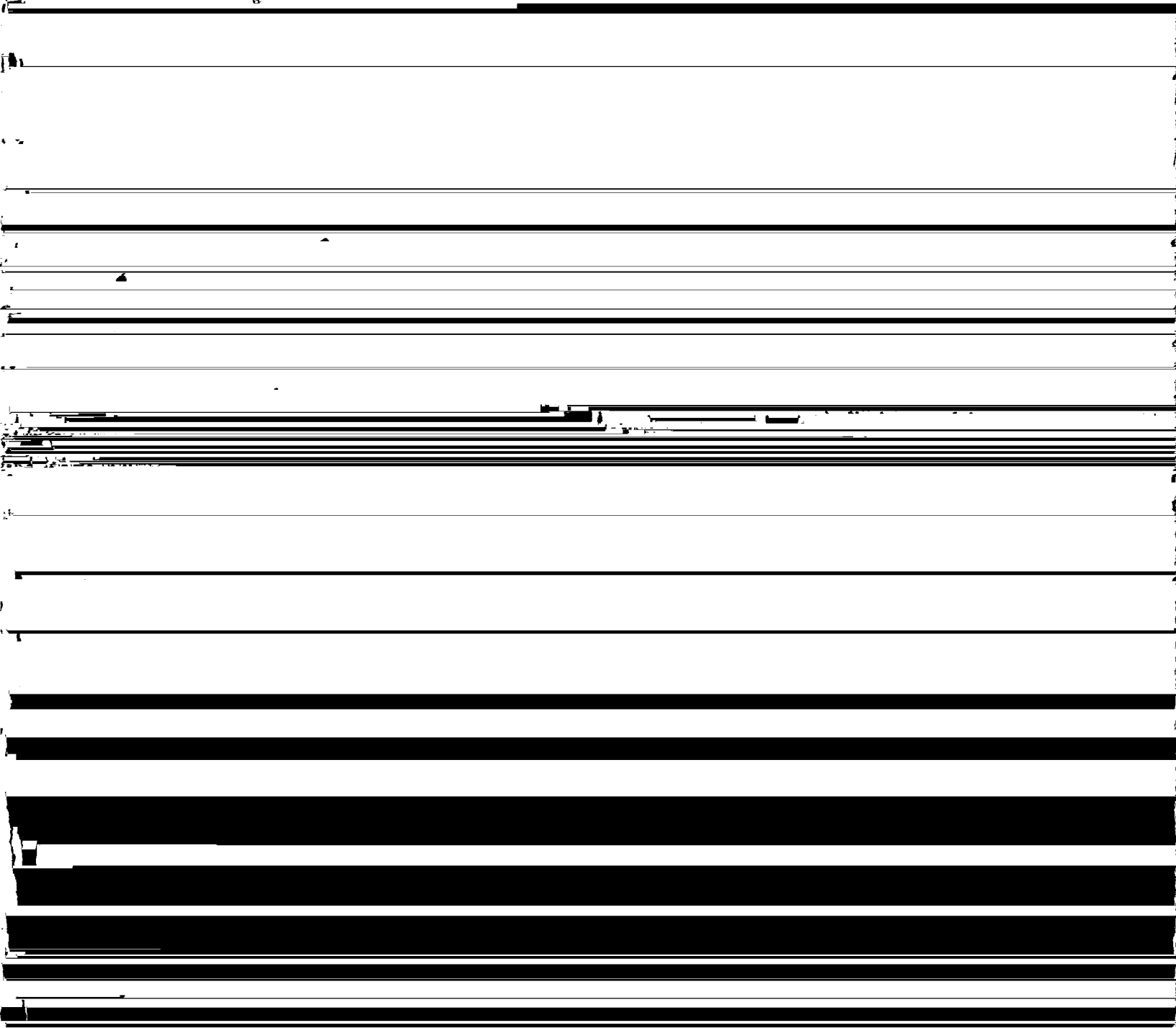
[REDACTED]

difficult, time consuming, and expensive, if not impossible, for Sazerac's competitors or

paragraphs 3, 4, 6, 7, 9, 10, 12, 14, 15, 17 and 18; the total annual spend in

paragraph 1 line 4; and the last sentence in paragraph 9 which contains

packaging, its marketing budget, costs of glass and plastic, relationships with retailers, and business strategy regarding use of glass and plastic. The information in these excerpts is proprietary and highly confidential. Public disclosure of this information would give Sazerac's competitors insight into Sazerac's business and marketing strategies, giving Sazerac's competitors an unfair competitive advantage over Sazerac.



9. **Exhibit E: Email from Guy May to Steve Wyant, dated Dec. 9, 2011 (SAZ-00003361 - SAZ-00003362).** This email exchange reveals information about Sazerac's marketing strategies and the market success of particular Sazerac products. Public disclosure of this information would give Sazerac's competitors insight into Sazerac's marketing activities and its product profitability, giving Sazerac's competitors an unfair competitive advantage over Sazerac. Public disclosure of this information would likely result in irreparable harm to Sazerac's efforts to maintain and increase its competitiveness in the

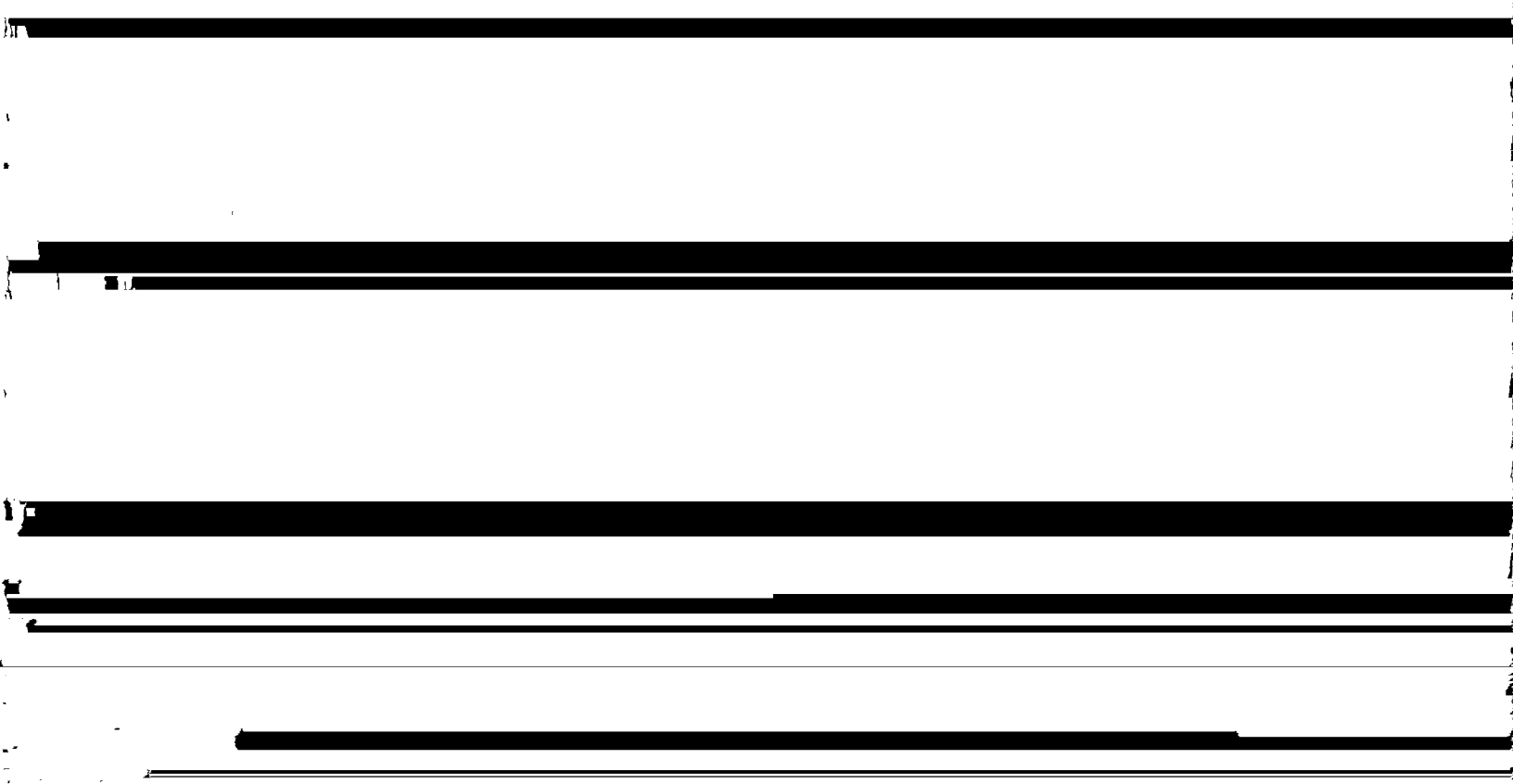
alcoholic beverage market. Public disclosure of this information would result in serious

11. Exhibit G: Email from Wayne Pozzi of Anchor to Philip Cissell, dated Nov. 8, 2012

(SA 7 00002271 SA 7 00002272) The email address is [REDACTED] PHIP Cissell 1

[REDACTED]

and recognition strategies. Public disclosure of this information would allow competitors as well as current and potential employees to gain information about Sazerac's internal business strategies. Public disclosure of this information would result in serious competitive injury by harming Sazerac's ability to maintain its competitiveness in the talent pool from which it hires.

- 13. Exhibit I: Sazerac facility capacity table (SAZ-00005502).** This document reveals the annual capacity of Sazerac manufacturing facilities and details regarding the lines in each. Public disclosure of this confidential information would allow Sazerac's
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competitors insight into Sazerac's proprietary production procedures, including their ability to service certain areas of the country, giving those competitors an unfair competitive advantage over Sazerac. Public disclosure of this information would result in serious competitive injury by harming Sazerac's efforts to maintain its competitiveness in the alcoholic beverage market.

- 14. Exhibit J: Excerpts from Philip Cissell's deposition: lines 50:15-51:16, 52:16-19,**

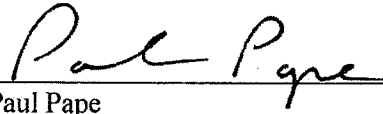
information could result in irreparable harm to Sazerac's efforts to maintain and increase its competitiveness in the alcoholic beverage market.

- 15. Exhibit K: Excerpts from Steven Wyant's deposition: lines 26:4-7, 26:13-16, 26:18-27:24, 112:2-113:16, 113:25-114:14, 114:18-117:1, 117:12-120:6, 125:1-126:10, 126:23-25, 127:1-10, 127:11-12, 127:20-22, 128:1-10, 128:11-12, 128:13-14, 128:15-16, 128:17-18, 128:19-20, 128:21-22, 128:23-24, 128:25-26, 128:27-28, 128:29-30, 128:31-32, 128:33-34, 128:35-36, 128:37-38, 128:39-40, 128:41-42, 128:43-44, 128:45-46, 128:47-48, 128:49-50, 128:51-52, 128:53-54, 128:55-56, 128:57-58, 128:59-60, 128:61-62, 128:63-64, 128:65-66, 128:67-68, 128:69-70, 128:71-72, 128:73-74, 128:75-76, 128:77-78, 128:79-80, 128:81-82, 128:83-84, 128:85-86, 128:87-88, 128:89-90, 128:91-92, 128:93-94, 128:95-96, 128:97-98, 128:99-100, 128:101-102, 128:103-104, 128:105-106, 128:107-108, 128:109-110, 128:111-112, 128:113-114, 128:115-116, 128:117-118, 128:119-120, 128:121-122, 128:123-124, 128:125-126, 128:127-128, 128:129-130, 128:131-132, 128:133-134, 128:135-136, 128:137-138, 128:139-140, 128:141-142, 128:143-144, 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These pages:lines discuss details about Sazerac's market successes and its business and marketing plans, including its introduction of plastic in particular applications and its

PUBLIC RECORD

I declare under penalty of perjury that the foregoing is true and correct.



Paul Pape
Chief Financial Officer
Sazerac Company

EXHIBIT M



Cooley

[The remainder of the page is obscured by heavy horizontal black redaction bars.]

FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)

Ardagh Group S.A.,)
a public limited liability company, and)

Saint-Gobain Containers, Inc.,)
a corporation, and)

DOCKET NO. 9356

Respondents.)

00003166).

- Email from Guy May to Steven Wyant, dated Dec. 9, 2011 (SAZ-00003361 - SAZ-00003362).
- Email from Philip Cissell to Mike Engelhard and Ken Varble, dated Dec. 6, 2012 (SAZ-00002344 - SAZ-00002345).
- Email from Wayne Pozzi to Philip Cissell, dated Nov. 8, 2012 (SAZ-00002371 - SAZ-00002373).
- Email from Steven Wyant to Randy Roets, dated July 17, 2013 (SAZ-00003524 - SAZ-00003526).
- Sazerac facility capacity table (SAZ-00005502).
- Philip Cissell Deposition: lines 50:15-51:16, 52:16-19, 74:22-75:2, 95:24-97:6, 97:15-

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing electronically using the FTC's E-Filing System,

Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I hereby certify that I delivered via electronic mail and hand delivery a copy of the foregoing to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW, Rm. H-110
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing to:

PUBLIC RECORD

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